

FILED

JUL 27 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MANUEL OCHOA-GALAN,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 05-75284

Agency No. A78-022-443

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 24, 2006^{**}

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges

Manuel Ochoa-Galan, a native and citizen of Mexico, petitions pro se for review of the Board of Immigration Appeals' decision affirming an immigration judge's decision that his domestic violence conviction under Cal. Penal Code

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

§ 273.5 made him ineligible for cancellation of removal under 8 U.S.C. § 1229b(b)(1)(C) because the conviction fell within 8 U.S.C. § 1227(a)(2)(E)(i). He contends that his conviction did not fall within § 1227(a)(2)(E)(i) because he never was admitted to the United States. This contention is foreclosed by *Gonzalez-Gonzalez v. Ashcroft*, 390 F.3d 649 (9th Cir. 2004). Respondent contends that Ochoa-Galan failed to exhaust administrative remedies as to an argument that his conviction was not an aggravated felony. We do not read the opening brief to raise this argument.

PETITION FOR REVIEW DENIED.